

REMARKS

In response to the Office Action dated October 5, 2005, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

Claims 15 and 16 were rejected under the second paragraph of 35 U.S.C. §112, as being indefinite. Basically, the rejection questions the relationship of these claims to parent claim 5, and states that they fail to further limit the subject matter of the parent claim. To remove the basis for this ground of rejection, claims 15 and 16 have been rewritten in self-contained, independent form. It is respectfully submitted that the presentation of these claims in independent form removes the basis for the rejection under 35 U.S.C. § 112.

Claims 17 and 18 were rejected under 35 U.S.C. § 102, on the basis of the Yoshida et al patent (US 5,796,378). It is noted that this patent was not cited of record in either of Forms PTO-892 or PTO-1449, which accompanied the Office Action. The same holds true for U.S. Patent No. 5,175,638 (Kanemoto et al). Nor were copies of these patents made available on the PAIR site for the subject application. It is respectfully submitted that the Examiner make these references part of the official record.

To reduce the issues under consideration, claims 17 and 18 are being cancelled without prejudice to Applicants' right to pursue the subject matter of those claims at a later time.

Claim 3 was rejected under 35 U.S.C. § 103, on the grounds that it was considered to be unpatentable over the Taniguchi patent (US 4,909,603) in view of the Kanemoto patent. In rejecting this claim, the Office Action states that the Taniguchi patent discloses the claimed subject matter, with the exception of a value

for the product of the cell gap and birefringence of the liquid crystal. To this end, the Office Action states that the Kanemoto patent discloses such a product, and asserts that it would be obvious to employ a cell having the dimensions of the Kanemoto patent in the display device of the Taniguchi patent. It is respectfully submitted, however, that there is no motivation to combine the disclosures of these two patents in the manner set forth in the Office Action.

At column 5, lines 25-40, the Kanemoto patent discloses the considerations that go into the selection of the retardation of the liquid crystal layer. In particular, it discloses that the difference between the retardation of the liquid crystal layer and that of a birefringent layer is preferably smaller than 0.1 micrometer, and that the liquid crystal layer have a retardation not less than 1.05 micrometers.

It is respectfully submitted that there is no motivation to apply this teaching to the display device of the Taniguchi patent. The above noted disclosure in the Kanemoto patent is particularly directed to display devices that have a birefringent layer. The display element disclosed in the Taniguchi patent is not this type of display device. In particular, it does not include a birefringent layer. As such, there is no reason to apply the teachings of the Kanemoto patent to Taniguchi's display element. Since the Kanemoto patent is specific to display devices having a birefringent layer, it does not have any applicability to display devices without such a layer, such as the display element of the Taniguchi patent. There is no reason for a person of ordinary skill in the art to arbitrarily select the retardation value disclosed in the Kanemoto patent when constructing a display element according to the Taniguchi patent, as there is no teaching to suggest that the value disclosed in the

Kanemoto patent would provide the same results in a display device that is lacking a birefringent layer.

Accordingly, it is respectfully submitted that it would not be obvious to utilize the particular product of cell thickness and birefringence disclosed in the Kanemoto patent for a display element of the type described in the Taniguchi patent. Reconsideration and withdrawal of the rejection based upon these references are respectfully requested.

Claims 5, 15 and 16 were rejected under 35 U.S.C. §103, on the basis of the Leenhouts patent (US 4,896,947) in view of the Kanemoto patent. The rejection states that the Leenhouts patent discloses a liquid crystal display having an input polarizer angle, a twist angle, and an output polarizer angle with the values recited in the claims. The rejection goes on to state "Taniguchi fails to disclose the $d\Delta n$ product of the cell gap and birefringence." This reference to the Taniguchi patent appears to be misplaced, since the rejection is not based upon this reference. Rather, it is only based upon the Leenhouts and Kanemoto references.

In contrast to the Taniguchi patent, the Leenhouts patent does, in fact, disclose a product of cell gap and birefringent, namely a value in the range of 0.2 to 0.7 micrometer. See, for example, the Abstract, column 1, line 68, and column 2, line 15.

It is respectfully submitted that this disclosure teaches away from the subject matter of claims 5, 15 and 16. Since the Leenhouts patent identifies a particular range for the product of the cell gap and birefringence for use in connection with its display cell, there is no apparent reason to employ a different value for that product. Furthermore, there is no reason to apply the particular values disclosed in the

Kanemoto patent. As noted previously, that patent is directed to a liquid crystal display device having a birefringent layer. There is no suggestion that the retardation values disclosed in that patent would be effective in a display device that does not have a birefringent layer.

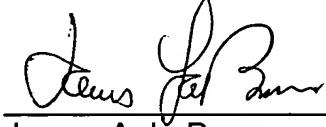
Accordingly, it is respectfully submitted that the subject matter of claims 5, 15 and 16 is not suggested by the Leenhouts patent, whether considered by itself or in view of the Kanemoto patent.

Reconsideration and withdrawal of the rejections, and allowance of all pending claims are respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL, PC

Date: April 5, 2006

By: 
James A. LaBarre
Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620